

**AMENDMENT TRANSMITTAL LETTER**Docket No.  
SPINE 3.0-437 CIPCIPCIPCIPCONApplication No.  
10/642,524-Conf. #3165Filing Date  
August 15, 2003Examiner  
B. E. PellegrinoArt Unit  
3738

Applicant(s): Joseph P. Errico, Michael W. Dudasik, and Rafail Zubok

Invention: AXIALLY COMPRESSIBLE ARTIFICIAL INTERVERTEBRAL DISC HAVING A CAPTURED BALL AND SOCKET JOINT WITH A SOLID BALL AND RETAINING CAP

**TO THE COMMISSIONER FOR PATENTS**

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	20	- 20 =		x	
Independent Claims	3	- 3 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					<b>0.00</b>

☒ Large Entity☐ Small Entity☒ No additional fee is required for this amendment.☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_.  
A duplicate copy of this sheet is enclosed.☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge and credit Deposit Account No. 12-1095  
as described below. A duplicate copy of this sheet is enclosed.☒ Credit any overpayment.☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.Dated: August 8, 2006  
Raymond Garguilo, Jr.  
Attorney/Agent Reg. No.: 50,930LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 518-6342

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 8, 2006

Signature: (Raymond Garguilo, Jr.)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: August 8, 2006

Signature

(Raymond Garguilo, Jr.)

Docket No.: SPINE 3.0-437 CIPCIPCIPCIPCON XVI  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Errico et al.

Application No.: 10/642,524

Filed: August 15, 2003

For: AXIALLY COMPRESSIBLE ARTIFICIAL  
INTERVERTEBRAL DISC HAVING A  
CAPTURED BALL AND SOCKET JOINT  
WITH A SOLID BALL AND RETAINING  
CAP

:  
:  
:  
:  
: Group Art Unit: 3738  
:  
: Examiner: B. E.  
Pellegrino

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT

Dear Sir:

In response to the Official Action mailed May 12, 2006, Applicants submit the following amendments and remarks.

Applicants submit a Terminal Disclaimer in this matter which is submitted herewith.